

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NORTH READING SCHOOL COMMITTEE,
Plaintiff

Civ. No. 05-11162 RCL

v.

BUREAU OF SPECIAL EDUCATION APPEALS
OF THE MASSACHUSETTS DEPARTMENT
OF EDUCATION, MASSACHUSETTS
DEPARTMENT OF EDUCATION, AND
TIMOTHY GRAFTON AND COURTNEY
GRAFTON, AS PARENTS AND NEXT FRIEND
OF M.G.,

Defendants.

**STATE DEFENDANTS' OPPOSITION TO
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

Pursuant to Fed. R. Civ. P. 56 and Local Rule 56.1, state defendants, Bureau of Special Education Appeals of the Massachusetts Department of Education and Massachusetts Department of Education (collectively referred to as "the Department") join Timothy and Courtney Grafton (collectively referred to as "Parents") in their Opposition to plaintiff, North Reading School Committee's ("North Reading") Motion for Summary Judgment on its claim seeking judicial review of a decision of the Bureau of Special Education Appeals ("BSEA"), concerning special education services provided by North Reading to M.G., a student. For the reasons set forth in the Parents' Memorandum of Law in Support of Opposition to North Reading's Motion for Summary Judgment, the Court should deny North Reading's Motion for Summary Judgment and affirm the BSEA's decision.

In support of this Opposition, the Department submits the accompanying Statement of State Defendants Pursuant to Local Rule 56.1 ("Department's Statement"), constituting the

Department's response to the Concise Statement of Material Facts submitted by North Reading in support of its summary judgment motion, which incorporates by reference therein the Parents' Concise Statement of Facts in Opposition to North Reading's Motion for Summary Judgment.

WHEREFORE, the Department respectfully requests that the Court deny North Reading's Motion for Summary Judgment and affirm the BSEA's decision.

Respectfully submitted,

BUREAU OF SPECIAL EDUCATION
APPEALS of the MASSACHUSETTS
DEPARTMENT OF EDUCATION
and MASSACHUSETTS
DEPARTMENT OF EDUCATION,

By their attorney,

THOMAS F. REILLY
ATTORNEY GENERAL

/s/ Julie B. Goldman
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Dated: May 22, 2006

CERTIFICATE OF SERVICE

I certify that this document filed through the ECF system will be sent electronically to registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on May 22, 2006.

/s/ Julie B. Goldman
Julie B. Goldman
Assistant Attorney General